

IN THE U.S. PATENT AND TRADEMARK OFFICE

Hon. Commissioner of Patents  
Box 1450  
Alexandria, VA 22313-1450

I, Dr. Ulla Lenkkeri-Schütz, a citizen of Finland, declare  
as follows:

THAT I am a patent attorney representing Bavarian-Nordic A/S, assignee of the present application, and that my address is Bavarian Nordic GmbH, Fraunhoferstrasse 13, 82152, Martinsried, Germany;

That a deposit of the poxvirus MVA 575 has been made on 7 December 2000 in the European Collection of Animal Cell Cultures (ECACC), a depository affording permanence of the deposit and ready accessibility thereto by the public if a patent is granted. The name and address of the depository is as follows:

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Centre for Applied Microbiology and Research  
Salisbury  
Wiltshire SP4 OJG  
United Kingdom

That the deposited material MVA 575 has been accorded a specific accession number V00120707;

That all restrictions on the availability to the public of the material will be irrevocably removed upon the granting of a patent;

That the deposited material MVA 575 has been deposited under conditions that ensure that access to the material will be available during the pendency of the patent application to one determined by the Commissioner to be entitled thereto under 35 CFR 1.14 and 35 USC 122;

That the deposited material MVA 575 will be stored with all care necessary to keep it viable and uncontaminated for a period of at least five years after the most recent request for the furnishing of a sample of the deposited microorganism, and in any case at least thirty (30) years after the date of a deposit or for the enforceable life of the patent, whichever is longer.

THAT I acknowledge the duty to replace the deposit should the depository be unable to furnish a sample when requested due to the condition of the deposit and

That I declare further that all statements made therein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that

these statements were made with knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the instant patent application or any patent issuing thereon.

March 7, 2007

Date

Ulla Lenkkeri-Schütz

Dr. Ulla Lenkkeri-Schütz